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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,844	09/921,844 08/03/2001		Gary K. Michelson	101.0084-01000 8295	
22882	7590	10/28/2002			
MARTIN &			EXAMINER		
14500 AVION SUITE 300				SNOW, BRUCE EDWARD	
CHANTILLY, VA 201511101				ART UNIT	PAPER NUMBER
				3738	
				DATE MAILED: 10/28/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Saminer   Since E Snow   3738   3	<u>ظر .</u>		Application No.	Applicant(s)					
Bruce E Snow 3738  3738			09/921,844	MICHELSON, GARY K.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edimensor for the map by a evaluation used the proteining of 37 CR 1.136(a). In or aveil, however, may a poly be timely filled  If the period for reply specified above it less than thirty (30) days, a reply within the statutory minimum, of thirty (30) days, will be considered firstly.  If the period for reply specified above it less than thirty (30) days, a reply with the statutory minimum, of thirty (30) days, will be considered firstly.  If the period for reply specified above it less than the mainting date of the communication of the statutory period will specified (30) (30) days will be considered firstly.  If the period for reply specified above it less than the mainting date of the communication (30) days will be considered firstly.  If the period for reply specified above it less than the mainting date of the communication (30) days will be considered firstly.  Any reply received by the Office later than the mainting date of the communication (30) days will be considered firstly.  Any reply received by the Office later than the mainting date of the communication (30) days will be considered firstly.  Any reply received by the Office later than the mainting date of the communication (30) days will be considered firstly.  Status  Status  Status  J C Responsive to communication (5) filled on		Office Action Summary	Examiner	Art Unit					
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time map be available under the provisions of 37 CFR 1.38(a). In on event, however, may a reply be limitly filled after 50. (6) MONTHS from the making side of this communication.  If the period is may by exercited above is less than the Micro (70) days, a reply within the studency minimum, of thing (30) days will be considered timely).  Failure for reply welfain the set or extended princip for reply will, by statistic, cause this application to become ABANDONED (35 U.S.C. § 130).  Failure for reply welfain the set or extended princip for reply will by statistic, cause the application to become ABANDONED (35 U.S.C. § 131).  Any reply received by the Official entre than these monthly due the the mixing date of this communication, even if firmly filled, may reduce any examined principles to the communication of the communicatio									
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-56, 131-145 and 203-206 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  1-56, 131-145, 203-206 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a cepted or b objected to by the Examiner.  Application Papers  9)  The proposed drawing correction filed on  is: a) objected to by the Examiner.  Application and or request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) opposed by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1  Certified copies of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in Application No.  3  Copies of the certified copies of the priority documents have been received in Application No.  4)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum, of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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## **DETAILED ACTION**

## **Election of Species**

I. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1 - figure 4

Species 2 - figure 8

Species 3 - figure 12

12((7(7)

Species 4 - figure 16

Species 5 - figure 19B

Species 6 - figure 20

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce E Snow whose telephone number is (703) 308-3255. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (703)308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

bes October 24, 2002

> BRUCE SNOW PRIMARY EXAMINER